

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY R. BAKER,

No. C 19-2188 WHA (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

T. FOSS,

Defendant.

This civil action was opened on April 23, 2019, when plaintiff, a California prisoner proceeding pro se, filed a motion requesting leave to file an “emergency” case under 42 U.S.C. § 1983. Plaintiff stated that he was being deprived of constitutional rights to be free from discrimination, retaliation, and harassment, and he wanted to proceed with a civil rights action without exhausting his administrative remedies because the administrative grievance process was too slow and arduous. The clerk notified plaintiff on the day this case was opened that he must submit a Complaint in order to proceed with his claims. Along with the notice, plaintiff was mailed a blank form Complaint form with instructions and a postage-paid return envelope. The notice informed plaintiff that the case would be dismissed if he did not submit a complaint within 28 days. More than 28 days have passed, and plaintiff has not filed a completed IFP application, paid the filing fee, shown cause why not, or requested an extension of time to do so. Accordingly, this case is **DISMISSED** without prejudice to plaintiff bringing his claims in a complaint filed in a new case. The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: July 8, 2019.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE